



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2011 Biennium

Bill #	SB0288	Title:	Require undertaking for challenges of energy development projects
Primary Sponsor:	Hinkle, Greg	Status:	As Amended

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact:

This bill would require persons who challenge issuance of permit under the Clean Air Act of Montana or a water quality permit for an energy development project to post a bond.

FISCAL ANALYSIS

Assumptions:

Department of Environmental Quality (DEQ)

- Under the Clean Air Act of Montana, it is assumed there will be two appeals of energy development projects per year to the Board of Environmental Review per year. The Board of Environmental Review will not hold special meetings to set bond amounts.
- The board's attorney, who is employed by the Attorney General's Office, will be required to perform additional services related to the bonding requirement that can be addressed within the existing budget.
- Appeals of water quality permits by persons other than the applicant or permittee is to district court.
- Neither the Board nor the Department of Environmental Quality will incur additional workload or expense in bond proceedings in district court.

Technical Notes:

1. Section 5 provides that a district court must require a written undertaking to be posted "if the person requesting a hearing under 75-5-611 is not the applicant or permittee of an energy development project." The reference to a request for hearing under 75-5-611, MCA, is not correct. Section 75-5-611, MCA, provides that a person against whom the Department of Environmental Quality is pursuing an administrative enforcement action may request a hearing to challenge the enforcement action. The reference to 75-5-611, MCA, should be eliminated. Instead, the reference should be to court action challenging permits issued under rules adopted pursuant to 75-5-401, MCA.

Sponsor's Initials

Date

Budget Director's Initials

Date